



DOCKET NO. SG 03233

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Katarina Magnusson et al.

Serial No.: 10/654,372

Group No.: 3721

Filed: September 3, 2003

Examiner: Tawfik, Sameh

For: METHOD FOR MANUFACTURING A PACKAGING LAMINATE

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment for this application.

STATUS

2. Applicant is

a small entity

other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Susette Flaherty

(Type or print name of person mailing paper)


(Signature of person mailing paper)

Date: July 13, 2005

EXTENSION OF TIME

NOTE: "Extension of Time In Patent Cases (Supplemental Amendments)--If a timely and complete response has been filed after a Non Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34.35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) [] Applicant petitions for an extension of time under 37 CFR 1.17(a) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
[]	one month	\$ 120.00	\$ 60.00
[]	two months	\$ 450.00	\$225.00
[]	three months	\$1,020.00	\$510.00

Fee \$ _____

If an additional extension of time is required please consider this a petition therefore.

(check and complete the next item, if applicable)

[] An extension for _____ months has already been secured and the fee paid therefore of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) [X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDN. FEE	OR	RATE	ADDN. FEE
TOTAL ♦	9	MINUS ♦♦	20	-	0	x 25=	\$	x50=
INDEP. ♦	2	MINUS ♦♦♦	3	-	0	x100=	\$	x200=
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+130=	\$		+260=	\$
					TOTAL	\$	OR	TOTAL

ADDN. FEE \$

- ♦ If the entry in Col. 1 is less than entry in Col. 2 write "0" in Col. 3.
- ♦♦ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- ♦♦♦ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

(complete (a) or (b) as applicable)

(a) No additional fee for claims is required.

OR

(b) Total additional fee for claims required \$ _____.

FEE PAYMENT

5. Attached is check no. _____ in the sum of \$ _____ to cover the Extension of Time Fee.

Payment by credit card. Form PTO-2038 is attached to cover the \$ _____ Extension of Time Fee.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is non authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

6. If any additional extension and/or fee is required, charge Account No. _____

AND/OR

If any additional fee for claims is required, charge Account No. _____.



SIGNATURE OF AGENT

Michele K. Yoder

Type or print name of Agent

Registration No.: 41,562

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725
FACSIMILE: 412-380-0748



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 3721
MAGNUSSON, Katarina)
) Examiner: Tawfik, Sameh
)
)
Filed: September 3, 2003) Attorney Docket: SG 03233
)
Serial No.: 10/654,372)
)
For: Method For Manufacturing) Date: July 13, 2005
A Packaging Laminate)

MAIL STOP: RESTRICTION ELECTION

COMMISSIONER FOR PATENTS
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Restriction/Election

Sir:

Applicant acknowledges that a Restriction Requirement dated June 13, 2005 pertaining to the above referenced patent application has been received. The Restriction Requirement requires an election between Group I, claims 1-5, drawn to a method for manufacturing a dimensionally stable packaging container and Group II, claims 6-9, drawn to a laminate for manufacturing a dimensionally stable packaging laminate. It is the Examiner's position that the product as claimed can be used in a materially different process of using that product such as with no need to the steps of folding nor cooling the container.

Applicant hereby elects Group II, claims 6-9 **with traverse.**

Applicant traverses this restriction requirement, as the examination of both groups of claims does not place an undue burden on the Examiner. This application is a CIP of application serial number 09/704,651, which is a CIP of application serial number 08/983,591, all of which contained both sets of claims and received and examination on both sets of claims. The present application differs from the parent application in that heat treatment of the container occurs without the application of mechanical pressure thereto. The claims of both Group I and Group II include this limitation. Therefore, it is applicant's position that the claims of Group I should be examined with the claims of Group II. Applicant respectfully requests that the restriction between Group I and Group II be withdrawn and claims 1-9 be examined together.

Conclusion

If the Examiner has any questions regarding this amendment and/or believes that a telephone interview would assist in the advancement of this case to allowance, he/she is invited to contact the undersigned Agent for Applicant.

Respectfully submitted,

by Michele K. Yoder
Michele K. Yoder
Reg. No. 41,562
Agent for Applicant

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146-3309
TELEPHONE (412) 380-0725
FACSIMILE (412) 380-0748